

EXHIBIT “E”

Hayden, Alex H.

From: Moses, Andrew P. <AMoses@brouse.com>
Sent: Friday, February 20, 2015 11:44 AM
To: Star, Gregory J.
Cc: Lambert, P. Wesley; Miller, Michael J.; Hayden, Alex H.
Subject: RE: Hodell v. SAP: Ashley Deposition Designations

Greg,

There were only subtractions, no additions. We went through and edited by hand, so there is no redline available. Let me know if you have any further questions.

Regards,

Andrew

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Attorney at Law



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From: Star, Gregory J. [mailto:Gregory.Star@dbr.com]
Sent: Friday, February 20, 2015 11:42 AM
To: Moses, Andrew P.
Cc: Lambert, P. Wesley; Miller, Michael J.; Hayden, Alex H.
Subject: RE: Hodell v. SAP: Ashley Deposition Designations

Andrew,

Did you add any designations that weren't included in the last exchange? Did you cut anything? Is there a redline you can provide against what you sent us on Ashley before?

As to Van Leeuwen, I'll get back to you.

-Greg

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From: Moses, Andrew P. [<mailto:AMoses@brouse.com>]
Sent: Friday, February 20, 2015 11:38 AM
To: Star, Gregory J.
Cc: Lambert, P. Wesley
Subject: Hodell v. SAP: Ashley Deposition Designations

Greg,

Here is Hodell's revised designation testimony for the Geoffrey Ashley deposition. Hodell objects to SAP's designated testimony in the Ashley deposition in the following sections:

- Page 13:11-Page 14:4 – Improper legal opinion and lack of relevance
- Page 247:21-Page 251:8 – Improper opinion testimony under Federal Rules of Evidence 701 and lack of foundation.

Also, the video for the Dale Van Leeuwen deposition has significant technical issues and Hodell has decided to read-in Van Leeuwen's testimony at trial. Please advise on how you are going to present SAP's designated testimony for Van Leeuwen. Thank you.

Regards,

Andrew

Andrew P. Moses
Attorney at Law



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In The Matter Of:
Hodell-Natco Industries, Inc. v.
SAP America, Inc., et al.

Geoffrey Ashley
March 16, 2012

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Hodell-Natco Industries, Inc. v.
SAP America, Inc., et al.

Geoffrey Ashley
March 16, 2012

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODELL-NATCO) Case No. 1:08 CV 2755
INDUSTRIES, INC.,)
) Judge: Lesley Wells
Plaintiff,) Magistrate Judge:
) Greg White
vs.)
) VOLUME I
SAP AMERICA, INC., et)
al.,)
)
Defendants.)

AUDIOVISUAL DEPOSITION OF GEOFFREY ASHLEY

DATE: Friday, March 16, 2012
TIME: 9:24 a.m.
PLACE: Residence Inn
91 Hall Street
Concord, New Hampshire

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17 ALSO PRESENT: Kevin Reidl
18 J.T. McGinn, Videographer

Page 4

1 PROCEEDINGS

2 GEOFFREY ASHLEY,

3 having first been duly sworn, testified as
4 follows:

5 EXAMINATION BY MR. STAR:

6 Q. Good morning. Mr. Ashley, I want to cover a
7 few topics with you quickly, sir. You're a
8 former SAP employee, correct?

9 A. That's correct.

10 Q. Can you run through your employment history
11 with SAP and tell me what job positions you
12 held and how long you were in them?

13 A. Yes, starting with SAP in roughly the
14 beginning of November, '05, I was hired as
15 the director of channel sales for
16 North America, and the product was the SAP
17 Business One Solution.

18 So my responsibilities were the
19 management of all the partners, the partner
20 community, through all of the resources
21 internally, so I had sales, pre-sales,
22 channel managers, pre-sales recruiters, that
23 kind of stuff. So that was how I started
24 with SAP.

25 I was in that role until 2008, I think,

<p style="text-align: right;">Page 101</p> <p>1 Q. What was the goal, the goal you reference in 2 that first sentence? 3 A. It would be revenue. 4 Q. What was the number? 5 A. Oh, honestly, I can't remember. It was a 6 quarterly goal. I would be guessing. 5 7 million. I don't know. I honestly don't 8 remember. 9 Q. Is this an e-mail you sent out frequently? 10 A. Well, it wasn't a template, but I would 11 communicate with my team all the time, sure. 12 Q. Did you send out like a periodic e-mail that 13 you would send out, or is there something 14 specific that precipitated this particular 15 communication? 16 A. Well, I was brand new at that time, still 17 getting to know the team, trying to pull 18 everybody together, trying to send out 19 messages, trying to get everybody to work as 20 a team, all that kind of stuff. I hate to 21 say it, but kind of a rah-rah communication. 22 Q. You make the statement -- if Mr. Star doesn't 23 object, I'm going to point it out. Right 24 here. 25 A. Okay.</p>	<p style="text-align: right;">Page 103</p> <p>1 diligence, just getting on the phone and 2 getting out there and meeting. 3 Q. Do you recall any specific issues you are 4 referring to in that sentence? 5 A. I don't. I don't recall specific issues. 6 Q. Do you recall any issues at all around 7 December of 2005 that you remember 8 discussing? 9 A. I don't. If I had another e-mail that could 10 help me remember, I might, but I don't 11 remember exactly. I mean, floods and natural 12 disasters, obviously, that's a hurricane, but 13 I don't remember what the product issues 14 were. 15 Q. Up in that first paragraph, you make a 16 statement that you need to drive each of the 17 partners to meet their commitments? 18 A. Um-hum. 19 Q. What kind of commitments are you talking 20 about? 21 A. Forecast. So if they say I'm going to do \$3 22 million this quarter, they need to do \$3 23 million this quarter. 24 Q. How often did partners communicate with you 25 or your team about their forecasts?</p>
<p style="text-align: right;">Page 102</p> <p>1 Q. "We have kept our eyes focused on the goal 2 though product-related issues have distracted 3 us and derailed our plans." 4 A. Um-hum. 5 Q. What were you referring to there? 6 A. I have no idea. It could have been delays. 7 I mean, remember, again, I'm on board 30 days 8 when this went out, maybe a little more than 9 that, 45 days. So it would have been 10 whatever I had learned up to that time. I 11 don't remember. 12 Q. That's what I am interested in knowing. 13 You had only been with SAP for maybe two 14 months, right? 15 A. Um-hum. 16 Q. And you're aware already of product-related 17 issues with respect to Business One, correct? 18 A. I was beginning to learn of whatever issues 19 might have been around, yes. 20 Q. Were you briefed on those issues upon 21 becoming employed by SAP? 22 A. No, not at all. 23 Q. How did they come to your attention? 24 A. Talking to my people, talking to our 25 partners, you know, coming on board and due</p>	<p style="text-align: right;">Page 104</p> <p>1 A. Weekly at least. I mean, specific deals 2 could be daily, but we would get weekly 3 updates. 4 Q. Do you recall how often your team was updated 5 on the Hodell sale? 6 A. I have no idea. Again, weekly. I mean, that 7 would be the normal cadence. So Ted should 8 have been talking to -- I don't know if it's 9 Dan, but Dan's VP of sales or whoever it 10 would have been on a regular basis. 11 Q. Who was in your job before you? 12 A. Actually, Dan Kraus, I guess, would have been 13 in my job before me. 14 Q. Okay. 15 A. The position as I took it didn't exist, but 16 Dan would have been the closest thing to it. 17 Q. He was handling your responsibilities and 18 then they brought you in to promote him? 19 A. Pretty much. Pretty much. 20 Q. Turn to the next page. At the end of that 21 top paragraph, you make this statement, "Make 22 no mistake. This was not the culture one 23 year ago. Our partners wouldn't have allowed 24 these opportunities to slip into the next 25 calendar year, but it now as a matter of</p>